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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

LEE, K

ART UNIT

PAPER NUMBER

2832

DATE MAILED:

05/09/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/638,478

Applicant(s)

HOEHN, GARRETT WADE

Examiner

Kyung S. Lee

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2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/28/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In is unclear what is meant by "a material more rigid." Would some material having a manufacturing tolerance meet this limitation? Clarification is needed.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zirnheld et al. (5,291,174) in view of Black, III (5,229,741) further in view of Buss et al. (5,828,290).

Zirnheld et al. teaches an electrical resistor assembly for a blow motor, the assembly including:

a connector 112 (fig. 2a);

a heat dissipater 48;

a housing 110;

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the housing including at least one catch (see fig. 2a) for attaching the assembly to the casing; and

at least one break-away element (see fig. 2a) for providing access to the catch.

Zirnheld et al. teaches the claimed invention except for at least one catch for fixedly attaching the assembly to the casing.

Black, III teaches an automotive resistor assembly (fig. 1) having at least one catch 60 for fixedly attaching the assembly 50 to the casing 18.

One skilled in the art, at the time of the invention, would have found it obvious to provide the device of Zirnheld et al. with a catch to firmly attach the assembly to the casing.

Zirnheld et al. and Black, III teaches the claimed invention except for a seal. Regarding a leak proof seal, it would have been obvious to provide a leak proofing to protect the device from moisture. The evidence can be seen by Buss et al., col. 5, lines 7-12.

3. Claims 3-8, 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zirnheld et al. and Black, III in view of Buss et al. as applied to claim 2 above, and further in view of Beam et al. (4,890,198).

Zirnheld et al., Black, III and Buss et al. teach the claimed invention except for a notch for disconnecting the break-away element from the housing.

Beam et al. teaches a notch 50 (fig. 1) for easily breaking a break-away element from the body 22.

One skilled in the art, at the time of the invention, would have found it obvious to provide a notch on the break-away element of Zirnheld et al. for easily breaking it off from the body as shown by Beam et al.

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Regarding claim 4, a tab 28 is shown by Beam et al.

Regarding claim 5, a groove is shown by Buss et al.

Regarding claims 6 and 7, pins are 114 (fig. 2a) and a ceramic plate is 48, shown by Zirnheld et al.

Regarding claim 13, mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claims 14 and 15, steps of the method are deemed to be rendered obvious in view of the functions of the structure in the combination discussed above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung S. Lee whose telephone number is (703) 306-9060. The examiner can normally be reached on 6:30 AM to 3:00 PM.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.



KL

5/4/2001

Kyung S. Lee
Examiner
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